

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 56406

Ernest L. Molnar  
P. O. Box 340  
Lutherville, MD 21094

1724 Redwood Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 16, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 12-3-106, 35-5-208 (a)(c), 13-4-201, failure to remove animal feces daily, failure to store trash in containers with tight fitting lids, failure to cease rodent infestation on residential property known as 1724 Redwood Avenue, 21234.

On May 13, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Latoshia Rumsey-Scott issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 3,000.00 (three thousand dollars)

The following persons appeared for the Hearing and testified: Ernest Molnar, Respondent and Landlord and, Latoshia Rumsey-Scott, Baltimore County Code Enforcement Officer

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This is a rental property owned by Respondent. This Citation was issued on May 13, 2009. Immediate Citation was issued without a prior Correction Notice pursuant to Departmental policy for repeat offenders, because inspection found continued violations and Respondent failed to comply with a Final Order issued April 24, 2009 enforcing a Citation for failure to remove animal feces daily, failure to store trash in containers with tight-fitting lids, and failure to cease rodent infestation.

B. The April 24, 2009 Final Order imposed a \$3,000.00 civil penalty with the opportunity for reduction to \$500.00 if code violations were corrected by May 7, 2009; "To be deemed in compliance, garbage must be properly stored; animal feces must be picked up daily; and Respondent must provide the County with receipts or contracts showing engagement of a licensed exterminator to abate the rat infestation." Re-inspection found continued violations and the full civil penalty was imposed, and this Citation was issued.

C. Inspector Rumsey-Scott testified that Respondent has not provided any information or evidence that an exterminator has been engaged to abate the rat infestation. She further testified that her re-inspection in May 2009 found animal feces not removed, trash not properly stored and no abatement of the rat infestation. Photographs in the file dated May 11, 2009 show bagged garbage on the ground and in a basement stairwell, large rat holes, and garbage in cans without lids. Photographs dated June 15, 2009 show a large quantity of bagged garbage piled on the ground, a can full of trash and garbage with no lid, and large rat holes.

D. Respondent Molnar testified that the tenant owes him \$12,000.00 in rent and that he has been trying to evict the tenant. Mr. Molnar further testified that he filed eviction papers on May 15, 2009 and that the tenant moved out the weekend before this Hearing. Mr. Molnar further testified that he is cleaning up the property.

E. As stated in this Hearing Officer's Final Order in April 2009 enforcing a similar Citation, this property has a long history of similar code violations and Respondent has an obligation to monitor and maintain his investment property. The improper storage of garbage, failure to pick up dog waste, and failure to abate rat infestation violates County codes and has adversely affected neighbors. Respondent failed to take advantage of the prior opportunity for a reduced penalty. In particular, his failure to engage an exterminator for the rat infestation was not caused by an uncooperative tenant. Because compliance is the goal of code enforcement, the civil penalty for this Citation will be reduced if Respondent achieves prompt compliance following this Hearing.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the code violations are corrected by July 10, 2009. To be deemed in compliance, garbage must be properly stored; animal feces must be picked up daily; and Respondent must provide the County with receipts or contracts showing engagement of a licensed exterminator to abate the rat infestation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19<sup>th</sup> day of June 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.